

5-638550  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE,  
 \_\_\_\_\_X

Plaintiff,

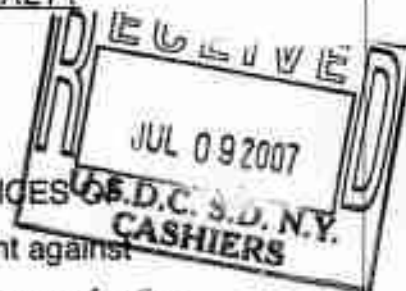
- against -

FIVE STAR FIREWORKS CORP.,  
 \_\_\_\_\_X

Defendant.

07 CIV 6279

CIVIL COMPLAINT  
 IN ADMIRALTY



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant FIVE STAR FIREWORKS CORP., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 14.4 of the Bill of Lading.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$7,935.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$7,935.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.


2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York  
July 6, 2007

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By

  
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
MAERSK LINE  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760

**SCHEDULE A**

**I. Defendant's status & address:**

A. Upon information and belief and at all times hereinafter mentioned, defendant **FIVE STAR FIREWORKS CORP.** was and still is a corporation organized and existing under the laws of the State of Wisconsin, with offices and a place of business at **15345 Highway 32, Lakewood, WI 54138.**

**II. Details of shipment(s):**

1. Bill of Lading No. **MAEU854311660**, dated **April 24, 2007**, from **Boluo** to **Lakewood** via **Hong Kong** and **Los Angeles** on the Vessel **SUSAN MAERSK**, one (1) container **SAID TO CONTAIN: FIREWORKS**, at the applicable tariff and/or Service Contract rate of **\$7,935.00 (Exhibit A)**. Defendant's check no. **1407** of **May 18, 2007**, issued to obtain release of the goods, was dishonored by the bank due to **Insufficient Funds (Exhibit B)**.

Amount Paid: **\$0**

Amount Due: **\$7,935.00**

**III. Total Amount Due: \$7,935.00**



Shipper (complete name and address) LANGXI GARMENTS IMPORT & EXPORT CO., LTD NO. 548 JINGGANGSHAN AVENUE, NANCHANG, JIANGXI, P.R.CHINA TEL. NO. 0086-791-6490886		Booking No. 854311660		BL No. MAEU 854311660
Consignee (complete name and address) VESTAR FIREWORKS CORP. 345 HIGHWAY 32 LAKEWOOD, WI 54138, S.A. TEL: 715-276-1555		Forwarding agent - reference FIREWORKS LOGISTICS ASSOCIATION LTD 8 DES VOEUX ROAD WEST RM 1401-2 SHUN KWONG COMMERCIAL BLDG HONG KONG		
Party (complete name and address) ME AS CONSIGNEE		Domestic routing/transport instructions not part of Bill of Lading		

Origin by		Place of Receipt		Orward inland routing
Voy No.		Port of Loading		
Place of Delivery				
SAN MAERSK		0705 HONG KONG		
3 ANGELES		LAKEWOOD, WI		

SHIPPER'S RECEIPT		PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE		
Net No./Serial No. and Numbers	No. of Containers or pkgs.	Kind of packages; description of goods	Gross Weight	Measurement
(U9680538 -CN6544327)	1	CY / CY CONT(S) 1213 CTNS SC NO: 160570 FIREWORKS 1.3G UN0335 PGII EMERGENCY CONTACT: 1-800-255-3924 CONTACT PERSON: APA THIS IS TO CERTIFY THAT THE ABOVE NAMED ARTICLES ARE PROPERLY CLASSIFIED, DESCRIBED PACKAGED, MARKED AND LABELLED, AND ARE IN PROPER	KGS 19870.000	CBM 68.500

\$ Charges	Rate	Unit	Prepaid	Collect
IC FREIGHT 1.00*	7255.00	USD HC		7255.00
AND HAUL. EXPORT	150.00	USD SU		150.00
KER ADJUST FACTOR	340.00	USD SU		340.00
SSIS USAGE CHARGE	60.00	USD SU		60.00
ERMOD FUEL CHARGE	105.00	USD SU		105.00
FEE ORIGIN		CNY SM		
GO DECLARATION		USD SM	125.00	25.00

Value Charges FR B. for Value of US \$ of Original Bill	Total Prepaid USD 16.16 Total Collect USD 7935.00 Date APR 24 07	*Shipped in accordance with order and conditions, unless otherwise stated herein, for transportation on board the vessel named herein, subject to any applicable regulations or in transit the carrier's liability is limited to the value of the goods as declared in the bill of lading, the goods or packages or loading, unloading, handling or stowage or receipt of packages, or a voyage as described and agreed in this bill of lading and discharge in the port of discharge named herein or at the place of delivery if mentioned therein. Such liability, discharge at delivery being subject to the applicable, limitations, conditions and general exceptions set forth in the order and conditions at the port of discharge or place of delivery if named as the place of delivery. The carrier's responsibility shall be in all cases and in all circumstances excepted from liability. The carrier's responsibility shall be in all cases and in all circumstances excepted from liability. The carrier's responsibility shall be in all cases and in all circumstances excepted from liability. The carrier's responsibility shall be in all cases and in all circumstances excepted from liability.
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IGZHOU  
 is only when document used  
 inland Transport Bill of Lading

SEE ATTACHED SHEET

MAERSK INC.

APR 24 2007

As Agent only

CONDITION FOR TRANSPORTATION  
ACCORDING TO THE APPLICABLE  
REGULATIONS OF THE US  
DEPARTMENT OF TRANSPORTATION

ORIGINALLY LOADED ONTO VESSEL  
HUI XIN HUI 85 V.7172  
AT KANSHA, CHINA, ON 27, APR.  
2007  
IMCO 1.3 UNNO 0335 PKGRP -

MAERSK INC.

